

APPEAL NO. 032259
FILED OCTOBER 1, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 21, 2003. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does include left acromioclavicular separation, but does not include visual loss and conditions of the left shoulder diagnosed as traumatic degenerative changes to the glenohumeral articulation and acromioclavicular joint, degenerative change about the glenoid fossa with irregular glenoid labrum representing a macerated-type tear to the glenoid labrum, and glenohumeral joint fluid with fluid in the biceps tendon sheath. The claimant appealed the portion of the hearing officer's extent-of-injury determination that that was unfavorable to him based on a sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The extent-of-injury issue presented a question of fact for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It was a matter for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the hearing officer's extent-of-injury determination. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant complains that a paragraph of the Statement of Evidence is a "lie." In Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993, we stated that a hearing officer is not required by the 1989 Act to provide a "Statement of the Evidence." Notwithstanding, a statement of evidence, if made, must reasonably reflect the evidentiary record. Texas Workers' Compensation Commission Appeal No. 013029, decided January 9, 2002. We have reviewed the record and we perceive no reversible error in the hearing officer's summarization of the evidence.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN ALTERNATIVE INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge